

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FELIPE FOWLKES,  
Plaintiff,

V.

KATHLEEN M. DENNEHY, et al.,  
Defendants.

C.A. No. 05-11749-JLT

**MR. ANDERSON'S MOTION TO RECONSIDER COURT'S ORDER (#72) ON HIS MOTIONS TO DISMISS (##52, 59)**

Now comes Mr. Anderson in the above matter and moves this Honorable Court to reconsider its order of June 25, 2007 (#72) on his Motion to Dismiss (#52) and his Amended Motion to Dismiss (#59). The reasons for this Motion are as follows:

1. On August 17, 2006, this Court issued an Order that plaintiff shall serve the Amended Complaint on each defendant within 120 days and file proof of service within 130 days. See August 17, 2006 Order.
2. Pursuant to this Court's Order and Fed. R. Civ. P. 4(m), service of the Complaint on Mr. Anderson should have been made by December 18, 2006 (120 days after the summons was issued).
3. Mr. Anderson was served with the Amended Complaint on April 1, 2007 by the United States Marshall Service. See Plaintiff's Proof of Service.
4. Although this Court found in its June 25, 2007 Order (#72) that plaintiff made a good faith attempt in filing the proof of service on Mr. Anderson, the date of the actual service was well beyond the 120 days specified in this Court's August 17, 2006 Order and Fed. R. Civ. P. 4(m).

5. Plaintiff's claims against Mr. Anderson should be dismissed for failure to serve pursuant to Fed. Civ. P. 12(b)(5).

WHEREFORE, Mr. Anderson respectfully requests that this Court reconsider its June 25, 2007 Order (#72) and dismiss him as a defendant in the present case.

Respectfully submitted,

MR. ANDERSON,  
By his attorney,

NANCY ANKERS WHITE  
Special Assistant Attorney General

Date: June 27, 2007

/s/ Daryl F. Glazer  
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